

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY S. MALONE,

Defendant.

No. 3:93-cr-00310-HZ-1

OPINION & ORDER

Kelly A. Zusman
United States Attorney's Office
1000 SW Third Avenue, Suite 600
Portland, OR 97204

Attorney for Plaintiff

Alan G. Ellis
Law Offices of Alan Ellis
80 Pinheiro Circle
Novato, CA 94945

Attorney for Defendant

1 – OPINION & ORDER

*rec'd in criminal docketing
on 10-14-16*

HERNÁNDEZ, District Judge:

Defendant moves the Court, pursuant to 18 U.S.C. § 3582(c), to reduce his sentence from a life sentence to 360 months. The Government also believes that Defendant's sentence should be reduced to 360 months. The Court agrees.

The application of § 3582(c) involves a two-step process. The Court must first determine if Mr. Malone is eligible for relief and, second, whether in the exercise of its discretion, the Court believes a reduction is warranted. In determining whether a reduction is warranted, the Court considers the factors set forth in 18 U.S.C. § 3553(a).

The application of the first step puts Defendant's sentence at a range of 360 months to life. Both sides recommend that the Court exercise its discretion and sentence Defendant to 360 months.

The Court finds that § 3582(c) applies and that Defendant is a 36III under the guidelines, which establishes a range of 360 months to life. The Court agrees with the parties and exercises its discretion to sentence Defendant to 360 months, which is sufficient but not longer than necessary to meet the factors in § 3553(a).

CONCLUSION

Defendant's Motion to Reduce Sentence [564] is granted. Defendant's sentence is reduced from a life sentence to 360 months. An amended judgment reducing Defendant's sentence shall be entered.

IT IS SO ORDERED.

Dated this 5 day of October, 2016.


MARCO A. HERNÁNDEZ
United States District Judge